

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Federal-State Joint Board)	
On Universal Service)	
)	CC Docket No. 96-45
Petition of Farmers Cellular)	
Telephone, Inc. for Designation)	
As an Eligible Telecommunications)	
Carrier in Alabama)	
)	

REPLY COMMENTS OF
FARMERS CELLULAR TELEPHONE, INC.

Farmers Cellular Telephone, Inc. (“Farmers Cellular” or the “Company”) submits these Reply Comments in response to the invitation of the Federal Communications Commission (“FCC” or “Commission”) to comment on Farmers Cellular’s petition to amend its designated area to include additional wire centers served by BellSouth Telecommunications, Inc. (“BellSouth”), certain wire centers served by CenturyTel of Alabama, L.L.C. (“CenturyTel”), and the entire study area of Farmers Telecommunications Cooperative, Inc. (“Expanded Area Petition”).¹ Farmers Cellular is a commercial mobile radio service carrier that previously has been designated by the FCC as an eligible telecommunications carrier (“ETC”) in four wire centers in Alabama served by BellSouth.²

¹ See *Parties are Invited to Comment on the Petition of Farmers Cellular Telephone, Inc. for Designation as an Eligible Telecommunications Carrier in Alabama*, CC Docket No. 96-45, Public Notice, DA 05-3285 (rel. Dec. 22, 2005) (“Public Notice”).

² See *Federal-State Joint Board on Universal Service; Farmers Cellular Telephone, Inc. Petition for Designation as an Eligible Telecommunications Carrier*, CC Docket No. 96-45, Memorandum Opinion and Order,

I. Farmers Cellular Has Demonstrated that the Company Meets All Requirements for Designation in the Expanded Area

At the outset, the Commission should take notice that no commenters opposed the Company's Petition. In granting Farmers Cellular's Initial ETC Petition, the Commission noted that no parties opposed that petition which sought designation solely in areas served by the non-rural local exchange carrier ("LEC"), BellSouth.³ The Expanded Area Petition seeks ETC designation in areas served by two non-rural LECs and one rural LEC. Because designation of an additional ETC in areas served by rural LECs must undergo additional scrutiny,⁴ the fact that no parties opposed the Expanded Area Petition becomes even more significant.

Farmers Cellular has demonstrated that it satisfies all statutory prerequisites in the expanded area in which it seeks designation as an ETC. These prerequisites are set forth in Section 214(e)(1) of the Communications Act of 1934, as amended and require carriers to offer and advertise the services supported by the federal universal service support mechanisms throughout their designated service areas.⁵ In granting the Initial ETC Petition, the Commission found that Farmers Cellular had demonstrated that it had satisfied these statutory requirements.⁶ In its Expanded Area Petition, Farmers Cellular again certifies that it offers all of the supported

18 FCC Rcd 182 (2003) ("Order"). The petition which was granted in the Order was filed on September 6, 2002 (the "Initial ETC Petition").

³ The fact that no parties opposed designation by an ETC applicant in areas served by non-rural telephone companies has been noted by the Commission when it has granted other ETC petitions. *See e.g., Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 1563 (2004) ("Virginia Cellular Order") at para. 27; *Federal-State Joint Board on Universal Service; Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, 19 FCC Rcd 6422 (2004) ("Highland Cellular Order") at para. 21 (collectively the "Virginia Cellular and Highland Cellular Orders").

⁴ *See* 47 U.S.C. § 214(e)(6) ("Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest").

⁵ 47 U.S.C. 214(e)(1).

⁶ Order at para 1.

services throughout its service area and commits to advertising the supported services throughout the expanded area for which it seeks ETC designation.

II. Farmers Cellular Has Demonstrated that Grant of its Petition is Consistent with the Public Interest

Farmers Cellular also has demonstrated that grant of its petition is consistent with the public interest. In its Virginia Cellular and Highland Cellular Orders, the Commission set forth a framework for determining whether the public interest will be served when an ETC applicant seeks designation in an area served by a rural telephone company.⁷ Under this framework, the Commission considers a “variety of factors in the overall ETC determination, including the benefits of increased consumer choice, and the unique advantages and disadvantages of the competitor’s service offering.”⁸ In its Expanded Area Petition, Farmers Cellular demonstrates that the Company meets all of the criteria under this framework and that ETC designation in the area served by the Company’s affiliated rural telephone company, Farmers Telecommunications Cooperative, Inc., is consistent with the public interest.

In its recent ETC Order, the Commission sets forth additional requirements and expands the application of the public interest test to all ETC applicants, even to those ETC applicants seeking designation only in areas served by non-rural LECs.⁹ In its Expanded Area Petition, Farmers Cellular demonstrates that the Company satisfies all of these new criteria in the area for which it seeks expanded designation. This demonstration includes a commitment to take specific steps to expand and/or enhance the Company’s coverage area where wireless service is weak

⁷ See Virginia Cellular Order at paras. 26-39; Highland Cellular Order at paras. 20-35.

⁸ ETC Order at para. 41.

⁹ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, FCC 05-46 (rel. Mar. 17, 2005) (“ETC Order”) at paras 41-42.

upon reasonable request by a customer and a description of a five-year network plan as to how the Company intends to improve its coverage in the expanded designated area. Additionally, Farmers Cellular describes steps it has taken to ensure that the Company will remain functional in emergency situations, commits to meeting consumer protection and service quality standards, demonstrates that it offers a local usage plan comparable to the one offered by the incumbent LEC, certifies that it is willing to provide equal access in the event no other ETC in the designated area is providing equal access and describes how the Company complies with Alabama Lifeline/Link-Up requirements.

III. Expedited Grant of Farmers Cellular Petition is Warranted

Because Farmers Cellular has previously been designated as an ETC for certain areas in Alabama and is seeking only to amend its designation to include additional areas, the Commission should afford the petition expedited treatment. Unlike an applicant that for the first time is seeking ETC designation within a state's borders, the Commission has already made determinations which should streamline consideration of the Company's Expanded Area Petition. For example, the Commission has previously determined that it has authority to designate Farmers Cellular as an ETC in the State of Alabama and has found that the Company provides all of the required services and functionalities "throughout its cellular service area in Alabama."¹⁰

Additionally, because Farmers Cellular's provides ubiquitous wireless service in Alabama, the same certifications that the Commission previously found to be acceptable in the context of the Initial ETC Petition also apply in the context of the Expanded Area Petition. Two such certifications in the Expanded Area Petition include: (1) the Company's certification that in

¹⁰ Order at para. 9.

the areas for which expanded designation is sought, the Company provides the supported services over the same facilities-based cellular network infrastructure that is used to provide service to the areas for which designation had previously been granted; and (2) the Company's certification that it will be able to use avenues of media that are already in place to advertise the supported services to individuals located within the expanded designated area.

IV. Conclusion

Because Farmers Cellular has demonstrated that it satisfies all requirements to be designated an ETC in the area for which it seeks expanded designation and that designation in this area would further the public interest, the Commission should expeditiously grant the Company's Expanded Area Petition.

January 20, 2006

Respectfully submitted,

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